

IN THE MATTER OF
THE APPLICATION OF
YUMING CHEN

*

BEFORE THE

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HOWARD COUNTY

FOR A CERTIFICATE OF APPROVAL
TO MAKE EXTERIOR ALTERATIONS
AT 8167 MAIN STREET
ELLCOTT CITY, MARYLAND

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HISTORIC PRESERVATION

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COMMISSION

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Case No. 22-39b

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DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on September 1, 2022 to hear and consider the application of Yuming Chen (“Applicant”), for a Certificate of Approval to make exterior alterations at 8167 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Erica Zoren, Julianne Danna and Ellen Flynn Giles. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the September 1, 2022 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the

Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District. According to SDAT the building at 8167 Main Street dates to 1987. The Applicant came before the HPC in August 2022 for approval for outdoor dining furniture at 8167 Main Street and 8173 Main Street. The Applicant was approved for the furniture at 8173 Main Street, but the request at 8167 Main Street along the sidewalk was continued. The Commission requested information about the specific number of furniture requested, knowledge of where the property line is and if furniture is allowed if it is not their property.

B. Proposed Improvements

The Applicant seeks approval for three tables and six chairs along Main Street, in a dark metal color, matching that approved for the 8173 Main Street rear patio. The proposal shows the total width of the sidewalk, from building edge to curb, is 14'-7" and that the seating area will consist of 8 feet in width, leaving 6'-1" clearance on the sidewalk.

C. Staff Report

Chapter 10.C: Parking Lots, Public Streets and Street Furniture; Street Furniture

- 1) Chapter 10.C recommends, "Use street furniture that is simple in design and constructed of traditional materials such as wood and dark metal."*

The tables and chairs are a dark metal, of a traditional design and comply with the Guideline recommendations.

D. Staff Recommendation

Staff recommends the HPC determine if the application complies with the Guidelines and approve, modify or deny accordingly. If the HPC approves the application, Staff recommends the approval be contingent upon receipt of any other required County permits, licenses and/or review.

E. Testimony

Ms. Zoren swore in Charlene Tan, who was representing the Applicant. She did not have anything to add or correct to the staff report. Ms. Flynn Giles found the design, color and texture of the furniture complied with the Guidelines. Ms. Flynn Giles said that the proposed arrangement allowed a 6' - 1" passage and that the chairs could encroach within that sidewalk passage way. Ms. Tan said she spoke with the owner and they could use chain posts to delineate and not encroach into the 6-foot sidewalk. Ms. Flynn Giles said that any fencing added would need to come back to the HPC for approval.

Ms. Danna said the Guidelines on street furniture discuss what should be there and how much to avoid clutter. She said that three tables and the umbrellas is too much and suggested 2 tables and 4 chairs, rotated to be against the storefront, rather than sticking out into the sidewalk space would be better and comply with lessen clutters as the Guidelines recommend. She explained that turning the tables and the chair location would allow space for adding fencing. Ms. Danna asked if Ms. Tan was amendable to that change. Ms. Tan said she would talk to the owner. Ms. Danna agreed the style and appearance of the chairs complied with the Guidelines.

Ms. Zoren agreed with Ms. Danna's comments, that 3 tables and 6 chairs becomes cluttered, which the Guidelines recommend against and she would recommend 2 tables, 4 chairs and 2 umbrellas, which would still allow for sufficient seating, due to the approval on the rear patio last month. Ms. Zoren agreed with Ms. Flynn Giles that any sort of delineation fencing/chain structure needs to be submitted with detailed specifications and imagery/pictures. Ms. Zoren said that staff was correct that in the past they have not accepted the chain link delineations.

Ms. Burgess asked Ms. Tan if Umi Sushi was willing to amend to 2 tables and 4 chairs. Ms. Tan asked if they could have 5 chairs. The Commission was not in favor of 5 chairs. Ms. Tan agreed to amend to 2 tables and 4 chairs.

F. Motion

Ms. Danna moved to approve the application as amended to have a total of 4 chairs and 2 tables and 2 umbrellas in the front seating section, with the condition that any additional stations or delineations come back before the Commission. Ms. Flynn Giles seconded. The motion was unanimously approved.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;

- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 10 sets forth the relevant recommendations for Parking Lots, Public Streets and Street Furniture in the Historic District, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant seeks approval for three tables and six chairs along Main Street, in a dark metal color, matching that approved for the 8173 Main Street rear patio. The proposal shows the total width of the sidewalk, from building edge to curb, is 14'-7" and that the seating area will consist of 8 feet in width, leaving 6'-1" clearance on the sidewalk. In an effort to alleviate the potential for a cluttered look with is not consistent with the

Guidelines, the Applicant amended the Application to request 2 tables and 4 total chairs for the space. This is compatible in scale, proportion and arrangement as recommended. Further, the furniture will match that which was approved for the business' rear dining space. The furniture is a dark metal, of a traditional design and complies with the Guideline recommendations.

With that the said, the Commission reminded the Applicant that any additional stations or delineations come back before the Commission for approval and conditioned its approval herein on such action.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 3 to 0, it is this 6 day of October, 2022, **ORDERED**, that the Applicant's request for a Certificate of Approval to make exterior alterations at the Subject Property, is **APPROVED as amended, conditioned and detailed herein.**

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**



Erica Zoren, Acting-Chair

Absent

Bruno Reich

 BB

Julianne Danna

 BB

Ellen Flynn Giles

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW


Kristen K. Haskins

Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.